



RON CHAPMAN, MD, MPH
Director

State of California—Health and Human Services Agency
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH



EDMUND G. BROWN, JR.
Governor

May 9, 2014
Certified Mail
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Grizzly Lake Community Services District
119 Delleker Road
Portola, CA 96122

Attention: Larry Terrill – Board Chairman

**Subject: GLCSD – Delleker, Public Water System No. 3200104
Compliance Order No. 01-02-14(O)001**

Enclosed is the subject Compliance Order which specifies actions to be taken by the Grizzly Lake Community Services District (District) to help ensure compliance with the state's Primary Standard for uranium in domestic water. You should carefully review the Compliance Order and take appropriate action.

Note that Section 116577 of the California Safe Drinking Water Act provides for our Department to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order to that system. In accordance with Section 116577, the District will be billed for the preparation and issuance of this Compliance Order. Our current costs are approximately \$124 per hour. The estimated time to prepare this Compliance Order is one hour.

If you have any questions regarding this matter, please call Steve Watson at (530) 224-4828 or me at (530) 224-4800.

Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

cc: Bruce Burton, Chief – DDWEM – Northern California Field Operations Branch
Richard Hinrichs, Chief – DDWEM – Northern California Section
Plumas County Environmental Health Department

sww \ 3200104 GLRID – Delleker \ File: Enforcement; 01-02-14O001-3200104-02.PDF

1 **STATE OF CALIFORNIA**
2 **DEPARTMENT OF PUBLIC HEALTH**

3
4 **IN RE: GRIZZLY LAKE COMMUNITY SERVICES DISTRICT**
5 **DELLEKER WATER SYSTEM**

6
7 **TO:** Larry Terrill, Board Chairman
8 Grizzly Lake Community Services District
9 119 Delleker Road
10 Portola, CA 96122

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12
13 **COMPLIANCE ORDER**
14 **Compliance Order Number 01-02-14(O)001**
15 **PUBLIC WATER SYSTEM NO. 3200104**

16
17 **STATEMENT OF FACTS**

18
19 The Grizzly Lake Community Services District (hereinafter District) serves domestic
20 water to an unincorporated community known as Delleker, which consists of
21 permanent residential homes, rental properties, and commercial establishments.
22 Serving a residential population of approximately 657 persons through 199 service
23 connections, the District's Delleker water system is classified as a community water
24 system. The source of supply for the water system includes two groundwater wells,
25 known as Well 1 and Well 2, and a spring source known as Filippini Spring. While
26 Well 1 is the District's primary source, Well 2 is needed to meet increased customer
27 demands between May and November. Filippini Spring has not been actively used

1 as a source in many years. It was rehabilitated in 2007 in order to increase its
2 production, however, significant repairs to the transmission main and booster pump
3 system would be required to bring water from this source into the distribution
4 system. The District operates the water system under domestic water supply permit
5 number 01-02-93(P)32074 issued on December 31, 1993.

6
7 As more fully set forth below, the Department is informed and believes that the
8 District is in violation of the primary standard for uranium. On May 30, 2008, the
9 Department issued Citation 01-02-08(C)002 to the District for violation of the primary
10 standard for uranium supplied to its customers from Well 2. Department records
11 show that Well 1 has not exceeded the RAA for uranium. The Citation directed the
12 District to: 1) provide quarterly public notification of the uranium violation for as long
13 as the violation continued, 2) continue to collect quarterly uranium samples from
14 Well 2, 3) develop a plan to minimize the use of Well 2, and 4) submit a plan and
15 schedule to make improvements to the water system in order to eliminate the
16 delivery of water to customers that does not meet the primary standard for uranium.
17 The District complied with all of the Department's directives, including a plan and
18 schedule for system improvements, which was prepared by Sauers Engineering, Inc.
19 on behalf of the District. This plan and schedule was received by our office on
20 August 1, 2008, and primarily focused on conducting initial testing to evaluate the
21 feasibility of a water treatment blending project that involved blending only water
22 from Well 1 and Well 2. Based on measured uranium levels measured in both well
23 sources during late 2008 and 2009, it was determined that a blending project would
24 not be feasible.

25
26 Beginning in January 2009, and continuing through June 2011, quarterly testing of
27 Well 2 showed that the District returned to compliance with the primary standard for

1 uranium. Therefore, the Department did not continue to pursue enforcement while
2 monitoring showed Well 2 to be in compliance with primary standards.

3
4 However, sampling of Well 2 on July 25, 2011, resulted in the running annual
5 average (RAA) for uranium exceeding the maximum contaminate level once again,
6 indicating that the operational changes implemented by the District were not
7 sufficient to keep the water in compliance with the primary standard for uranium. As
8 a result, the Department issued Compliance Order 01-02-11(O)001 on November
9 10, 2011, which directed the District to: 1) cease and desist from failing to comply
10 with the primary standard for uranium, 2) submit to the Department, for review and
11 approval, an engineering report containing a detailed evaluation of alternatives and a
12 selected water system improvement project which will correct the uranium water
13 quality problem and eliminate the delivery of water to consumers that does not meet
14 the primary drinking water standards, 3) provide a schedule for such improvement
15 project, 4) continue to provide public notification of the violation each calendar
16 quarter the District was in violation, 5) continue to collect samples from Well 1 and
17 Well 2 for uranium analysis on a quarterly basis, 6) confirm in writing of the District's
18 intent to comply with the directives as stipulated, and 7) submit a quarterly progress
19 report to the Department in achieving compliance with the directives of the
20 Compliance Order.

21
22 In September 2011, the District submitted a pre-application to the Department's
23 State Revolving Fund program to fund a project which would allow the District to
24 blend water from its Filippini Spring in order to meet the primary standard for
25 uranium. This project was ranked in Category G and was therefore invited to submit
26 a construction application for the project.

Sometime during 2012, during discussion with the District the decision was made to convert the District's preapplication from a construction project to a planning project. Therefore, on or about May 25, 2012, the District submitted to the Department a Tier 2 - Planning Project Funding Application. After several reviews and resubmittals, this application was deemed incomplete and the project was bypassed during the 2011-2012 cycle. However, the project remains on the 2013-2014 SRF Project Priority list in Category G.

Since the 3rd quarter of 2011, the District has continued to complete quarterly uranium sampling of Well 1 and Well 2, with results as follows:

	Well 2	Well 2	Well 1	Well 1
	Uranium	Uranium	Uranium	Uranium
Period	Result, pCi/L	RAA, pCi/L	Result, pCi/L	RAA, pCi/L
1Q2009	13.0	19.5	---	13.0
2Q2009	9.7	15.9	11.9	12.8
3Q2009	8.8	11.0	25.4	15.9
4Q2009	4.5	9.0	16.9	17.0
1Q2010	25.0	12.0	20.2	18.6
2Q2010	16.0	13.6	10.6	18.3
3Q2010	5.2	12.7	34.0	20.4
4Q2010	---	12.7	---	20.4
1Q2011	---	12.7	---	20.4
2Q2011	---	12.7	---	20.4
3Q2011	37.0	20.8	15.8	20.1
4Q2011	---	20.8	---	20.1
1Q2012	18.1	19.1	15.3	18.9

1	Well 2	Well 2	Well 1	Well 1
2	Uranium	Uranium	Uranium	Uranium
3	<u>Period</u>	<u>Result, pCi/L</u>	<u>RAA, pCi/L</u>	<u>Result, pCi/L</u>
4	2Q2012	19.3	19.9	8.0
5	3Q2012	26.9	25.3	9.0
6	4Q2012	26.7	22.8	11.9
7	1Q2013	24.8	24.4	12.5
8	2Q2013	31.3	27.4	10.8
9	3Q2013	25.9	27.2	9.2
10	4Q2013	36.0	29.5	26.7
11	1Q2014	20.0	28.3	10.2
12	2Q2014	20.0	25.5	8.8

13

14 As evident from the table above, the District's Well 2 continues to produce water that
 15 exceeds the uranium Maximum Contaminant Level (MCL) of 20 pCi/L. Also noted
 16 from the table above is the fact that Well 1's RAA for uranium has remained in
 17 compliance with the primary standard during this time. However, of the 28 sampling
 18 events of Well 1, four sample results since 2007 have been over the MCL for
 19 uranium, with results ranging between 25.4 pCi/L and 36.9 pCi/L.

20

21

GLOSSARY OF TERMS

22

23 **Community Water System:** Defined in the California Health and Safety Code as a
 24 public water system that serves at least 15 service connections used by yearlong
 25 residents or regularly serves at least 25 yearlong residents of the area served by the
 26 system.

27

1 **CCR:** California Code of Regulations. These regulations are developed by the
2 Department in order to carry out the laws passed by the legislature regarding
3 drinking water supply.

4
5 **CHSC:** California Health and Safety Code. These laws govern the supply of
6 drinking water and are the basis for the regulations developed and enforced by the
7 Department.

8
9 **MCL:** Maximum Contaminant Level. The maximum concentration of a contaminant
10 allowed to be present in water served to the public, as determined by the
11 Department in conjunction with federal requirements.

12
13 **RAA:** Running Annual Average. The average value of the most recent four quarters
14 of measurements for a particular contaminant. This is the value that is used to
15 determine compliance with the MCL for uranium.

16
17 **DLR:** Detection Limit for purposes of Reporting. The designated minimum level at
18 or above which any analytical finding of a contaminant in drinking water shall be
19 reported to the Department as a detection.

20
21 **Primary Standard:** Maximum levels of contaminants that, in the judgment of the
22 department, if exceeded, may have an adverse effect on the health of persons.

23
24 **Secondary Standard:** Maximum contaminant levels that, in the judgment of the
25 department, are necessary to protect the public welfare. Secondary drinking water
26 standards may apply to any contaminant in drinking water that may adversely affect
27 the odor or appearance of the water and may cause a substantial number of persons

served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare.

pCi/L: picocuries per liter, a measure of radiation.

AUTHORITIES

Section 64442 of the Title 22 CCR states in relevant part:

(a) Each community and nontransient-noncommunity water system (system) shall comply with the primary MCLs in Table 64442 in the drinking water supplied to the public and use the DLRs for reporting monitoring results:

Table 64442

Radionuclide Maximum Contaminant Levels (MCLs)
and Detection Levels for Purposes of Reporting (DLRs)

<u>Radionuclide</u>	<u>MCL</u>	<u>DLR</u>
Uranium	20 pCi/L	1 pCi/L

(g) If any sample result is greater than an MCL:

(1) For a system monitoring less than quarterly, quarterly samples shall be collected and analyzed to determine compliance, pursuant to subsection (h);

(2) For a system that already has four consecutive quarterly results, compliance shall be determined pursuant to subsection (h).

1 (3) The system shall monitor quarterly until the results
2 of four consecutive quarterly sample results do not exceed
3 the MCL.

4 (h) A system with one or more sample results greater than
5 an MCL shall determine compliance with the MCL as follows:

6 (1) At each sampling site, based on the analytical
7 results for that site. Any confirmation sample result shall be
8 averaged with the initial result.

9 (2) Using all monitoring results collected under this
10 section during the previous 12 months, even if more than the
11 minimum required number of samples was collected.

12 (3) By a running annual average of four consecutive
13 quarters of sampling results. Averages shall be rounded to
14 the same number of significant figures as the MCL for which
15 compliance is being determined.

16 (A) If any sample result will cause the annual
17 average at any sample site to exceed the MCL, the
18 system shall be out of compliance immediately upon
19 receiving the result;

20 (B) If a system has not analyzed the required
21 number of samples, compliance shall be determined
22 by the average of the samples collected at the site
23 during the most recent 12 months;

24
25 Section 64463.4 of the Title 22 CCR states in relevant part:

26 (a) A water system shall give public notice pursuant to this
27 section if any of the following occurs:

1 (1) Any violation of the MCL, MRDL, and treatment
2 technique requirements, except:

3 (A) Where a Tier 1 public notice is required
4 under section 64463.1; or

5 (B) Where the Department determines that a
6 Tier 1 public notice is required, based on potential
7 health impacts and persistence of the violations;

8 (b) A water system shall give the notice as soon as possible
9 within 30 days after it learns of a violation or occurrence
10 specified in subsection (a). In addition, the water system
11 shall:

12 (1) Maintain posted notices in place for as long as the
13 violation or occurrence continues, but in no case less than
14 seven days;

15 (2) Repeat the notice every three months as long as
16 the violation or occurrence continues.

17 (c) A water system shall deliver the notice, in a manner
18 designed to reach persons served, within the required time
19 period as follows:

20 (1) Unless otherwise directed by the Department in
21 writing based on its assessment of the violation or
22 occurrence and the potential for adverse effects on public
23 health and welfare, community water systems shall give
24 public notice by;

25 (A) Mail or direct delivery to each customer
26 receiving a bill including those that provide their
27 drinking water to others (e.g., schools or school

1 systems, apartment building owners, or large private
2 employers), and other service connections to which
3 water is delivered by the water system; and

4 (B) Use of one or more of the following
5 methods to reach persons not likely to be reached by
6 a mailing or direct delivery (renters, university
7 students, nursing home patients, prison inmates,
8 etc.):

- 9 1. Publication in a local newspaper;
- 10 2. Posting in conspicuous public places served
11 by the water system, or on the Internet; or
- 12 3. Delivery to community organizations.

13
14 Section 116555 of the California Health and Safety Code (CHSC) states in relevant
15 part:

16 (a) Any person who owns a public water system shall
17 ensure that the system does all of the following:

18 (1) Complies with primary and secondary drinking
19 water standards.

20 (3) Provides a reliable and adequate supply of pure,
21 wholesome, healthful, and potable water.

22
23 Section 116655 of the CHSC states in relevant part:

24
25 (a) Whenever the department determines that any person
26 has violated or is violating this chapter, or any permit,
27 regulation, or standard issued or adopted pursuant to this

chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

DETERMINATIONS

Based on the above Findings of Fact, the Department determines that the District is in violation of the following:

1. CHSC, Section 116555 (a)(1): Specifically, the District has failed to provide water that complies with all primary drinking water standards.
2. CHSC, Section 116555 (a)(3): Specifically, the District has failed to ensure that the system is provided with a reliable and adequate supply of pure, wholesome, healthful and potable water.
3. Title 22, CCR, Section 64442: Specifically, the District does not at all times deliver water to all customers that complies with the uranium MCL of 20 pCi/L, based upon a running annual average of results.

ORDER

Pursuant to Section 116655, Article 9, Chapter 4, Part 12, Division 104 of the CHSC, the Department and its Director hereby orders and directs the District:

1. Cease and Desist from failing to comply with the CHSC Section 116555(a)(1) and (3) by ensuring that the Delleker water system is provided with a reliable and adequate source of pure, wholesome, healthful, and potable water that is in compliance with all primary drinking water standards.
2. By October 16, 2014, the District shall submit to the Department, for review and approval, an engineering report containing a detailed evaluation of alternatives and a selected water system improvement project which will correct the uranium water quality problem and eliminate the delivery of water to consumers that does not meet the primary drinking water standards. This report shall also include a project schedule.

1 3. In accordance with Section 64463.4 of Title 22, CCR, within 30 days after
2 receiving this Compliance Order, the District shall provide public notification of its
3 failure of the uranium MCL. This notice shall be given by direct mail to customers of
4 the Delleker water system and shall be given by publication in a weekly newspaper
5 of general circulation serving the area. The District's notice shall follow the format
6 provided in Attachment A. The language and format of the notice to be used for
7 completion of the public notification requirement shall be submitted to the
8 Department for review and written approval prior to its distribution and publication.

9
10 4. Within 40 days after receiving this Compliance Order, proof of public
11 notification shall be submitted to the Department using the form provided as
12 Attachment B.

13
14 5. Public notification shall be given each calendar quarter that the four-quarter
15 RAA from Well 2 for uranium exceeds the MCL.

16
17 6. In accordance with Section 64442(g)(3) of Title 22, CCR, the District shall
18 continue to collect quarterly samples from Well 1 and Well 2 for uranium analyses.
19 The analytical results shall be reported to the Department no later than the 10th day
20 following the month in which the samples were collected.

21
22 7. The District shall submit a written response by June 13, 2014, indicating its
23 willingness to comply with the directives of this Compliance Order.

24
25 8. Beginning on July 10, 2014, and quarterly thereafter, the District shall submit
26 a report on the progress in achieving compliance with the foregoing directives.

1 The Department reserves the right to make such modifications to this Compliance
2 Order, as it may deem necessary to protect public health and safety. Such
3 modifications may be issued as amendments to this Compliance Order and shall be
4 effective upon issuance.

5
6 This Compliance Order supersedes and replaces Compliance Order
7 01-02-11(O)001, issued on November 10, 2011.

8
9 All submittals required by this Compliance Order shall be submitted to the
10 Department at the following address:

11
12 Michael J. McNamara, P. E.
13 Lassen District Engineer
14 Drinking Water Field Operations
15 Division of Drinking Water and Environmental Management
16 Department of Public Health
17 364 Knollcrest Drive, Suite 101
18 Redding, CA 96002
19 (530) 224-4800
20

21 The District's failure to comply with any directive set forth in the Compliance Order
22 by the time prescribed herein may result in further administrative penalties in the
23 amount of \$200 per day per violation, pursuant to CHSC, Section 116650, and/or
24 civil penalties as permitted by law, including without limitation CHSC, Section
25 116725.
26

The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the District, its employees, agents, or contractors in carrying out activities pursuant to this Compliance Order, nor shall the State of California be held as a party to any contract entered into by the Company or its agents in carrying out activities pursuant to this Compliance Order. By issuance of this Compliance Order, the Department does not waive its right to take any further or additional enforcement action(s) against the District.

PARTIES BOUND

This Compliance Order shall apply to and be binding upon the District, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Compliance Order are severable, and the District shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

5/9/2014

Date



Richard L. Hinrichs

Richard L. Hinrichs, P.E.

Chief, Northern California Section

DRINKING WATER FIELD

OPERATIONS BRANCH

Attachments:

Attachment A: Public Notice Format

Attachment B: Certification of Completion of Public Notification form

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

The Grizzly Lake Community Services District Delleker Water System Has Levels of Uranium Above the Drinking Water Standard

Our domestic water system recently violated the drinking water standard for uranium. Although this is not an emergency, you have a right to know what happened, what you should do, and what we are doing to correct this situation.

What happened?

We are required by state regulations to test our well water for certain radioactive constituents. The maximum contaminant level (MCL) for uranium in drinking water as determined by the state is 20-pCi/L. The most recent results from Well 2 show its Running Annual Average uranium concentration is 28.3-pCi/L. Therefore, Well 2 produces water that exceeds the uranium Maximum Contaminant Level (MCL) of 20-pCi/L.

What should I do?

- **You do not need to use an alternative water supply (e.g., bottled water).**
- This is not an emergency. If it had been, you would have been notified immediately. However, some people who drink water containing uranium in excess of the MCL over many years may have kidney problems or an increased risk of getting cancer.
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What is being done?

District to provide information here.

For more information, please call Larry Terrill, GLCSD Board Chairman, at 832-5225.

This notice is being distributed by the Grizzly Lake Community Services District

CERTIFICATION OF COMPLETION OF PUBLIC NOTICE

This form, when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name GLCSD - Delleker

Public Water System No. 3200104

Public notification for the _____ **quarter of** _____ (**complete appropriate quarter and year**) uranium MCL failure was performed by the following method(s) (check and complete those that apply):

_____ The notice was published in the local newspaper on _____.
A copy of the newspaper notice is attached.

_____ The notice was mailed to users on _____.
A copy of the notice is attached.

_____ The notice hand delivered to water customers on _____.
A copy of the notice is attached.

_____ The notice was posted in the following conspicuous places:

For this method, provide the date (or dates) that the notice was posted _____.
A copy of the notice is attached.

I hereby certify that the above information is factual.

Printed Name

Signature

Date